

United States District Court

for the
Western District of New York

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address.)

A Samsung Cellular Phone (SN# RF8MA2W4D0E), model SM-S260DL,
with assigned phone number (585) 933-0807, currently located at
Homeland Security Investigations, 250 Delaware Avenue, Buffalo, NY 14202

Case No. 20-M-224

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, which is attached hereto and incorporated by reference herein

located in the Western District of New York, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, which is attached hereto and incorporated by reference herein.

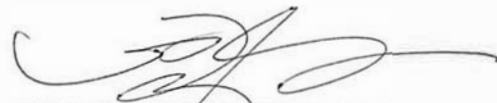
The basis for search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Sections 1470 and 2422(b).

The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

JAMES J. DONOGHUE
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title

Sworn to telephonically.

Date: December 23, 2020



Judge's signature

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

City and state: Buffalo, New York

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT APPLICATION

I, James J. Donoghue, being duly sworn, depose and state as follows:

1. I am a Special Agent (SA) of the United States Immigration and Customs Enforcement (ICE) office of Homeland Security Investigations (HSI) within the Department of Homeland Security (DHS). I have worked for HSI for 12 years. I am currently assigned to Homeland Security Investigations (HSI) in Buffalo, New York. As an HSI Special Agent I have conducted complex criminal investigations related to immigration violations, human smuggling and human trafficking, money laundering, and child exploitation. My current duties include the enforcement of federal criminal statutes involving child exploitation laws. I also work closely with other law enforcement officers who have engaged in numerous investigations involving child exploitation and child pornography and who have received training in the area of child pornography and child exploitation. I further state that I have training and experience as an HSI Computer Forensics Agent for 3 years.

2. This affidavit is submitted in support of an application for a search warrant for a Samsung Cellular Phone (SN# RF8MA2W4D0E), model SM-S260DL, with assigned phone number (585) 933-0807 (the "SUBJECT DEVICE"), which is more particularly described in Attachment A of this Affidavit. The SUBJECT DEVICE is currently located at Homeland Security Investigations, 250 Delaware Avenue, Buffalo, NY 14202.

3. As is set forth in more detail below, there is probable cause to believe that evidence, contraband, fruits and instrumentalities of violations of Title 18, United States

Code, Sections 2422(b) (enticement of a minor) and 1470 (transfer of obscene material to minors) are located within the SUBJECT DEVICE.

4. The statements in this affidavit are based on my training and experience, my own personal knowledge, information provided to me by other law enforcement personnel, and my review of documents and records. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to secure the requested search warrant.

5. On November 12, 2020, your affiant and Salamanca, New York Police Department Lt. Tina Owens interviewed Minor Victim 1 (DOB: XX/XX/2006) (henceforth referred to as V1) and her mother. V1 is currently fourteen years old and resides in Ridgeway, Pennsylvania.

6. V1 stated that she had been solicited to engage in a text message conversation with a person named Richard BUFFALO (DOB: XX/XX/1984; 7 Newton Farm Road Salamanca, New York, 14779) via the mobile online social media application Snapchat. She stated that this conversation took place on or about October 18, 2020 and lasted for approximately 1.5 hours. (The conversation in fact occurred over a period of approximately 3 hours.)

7. V1 stated that she had become friends with BUFFALO through a “quick add” to a friend request that BUFFALO had initiated. A “quick add” is a Snapchat feature that allows a user to quickly add friends to their “following” list. V1 does not know, nor has she met, BUFFALO in person. V1 stated that richard_buf2019 is the username BUFFALO was using during their Snapchat conversation. V1’s Snapchat username is vXXXXXXXXXXa.

(Because V1's Snapchat username is her real name, I have replaced all but the first and last characters of her user name with "X's.")

8. According to V1, during the course of the Snapchat conversation, BUFFALO made several offers to travel and meet with V1 and to pick V1 up from her home. He expressed a desire to have sex with V1. BUFFALO also sent V1 his home address and telephone number. BUFFALO sent V1 a picture of his exposed, erect penis, as well as a picture of his face, within the Snapchat conversation. V1 took a screen shot of the pictures BUFFALO sent to her and saved them to her phone in the "hidden" folder of her gallery application. V1 then deleted the penis picture from her Snapchat conversation. V1 stated she then "blocked" BUFFALO from her Snapchat account. Shortly thereafter, she deleted the Snapchat application from her phone.

9. V1's mother gave your affiant permission to examine V1's cell phone. V1 showed your affiant the penis picture that BUFFALO had sent to her, as well as the picture of his face, which she had saved via screenshot from the Snapchat conversation. At the request of your affiant, V1 then reinstalled the Snapchat application onto her phone and signed in using her own account username, vXXXXXXXXXXa. V1 then conducted a search for the username "richard_buf2019" within the Snapchat application. V1 then sent user richard_buf2019 a friend request. V1 then showed your affiant the conversation that she previously had with BUFFALO via Snapchat. This conversation repopulated within the Snapchat application when V1 made the friend request to the richard_buf2019 account. Your affiant observed that on October 18 and 19, 2020, BUFFALO requested to meet with V1 and have sex with her, including his offer to come and pick V1 up for them to meet. Your affiant also observed that BUFFALO had sent V1 his home address, 7 Newton Farm Road,

Salamanca, New York 14779, and phone number, +1-585-933-0807, within the Snapchat conversation. Your affiant further observed that V1 had informed BUFFALO that she is 14 years old during the text conversation, and despite this, he continued to request to meet with her, and asked her “you want to see my dick baby.”

10. Your affiant took possession of V1’s phone in order to bring it to the HSI forensic lab for further examination. V1’s mother consented to HSI taking possession of the phone and to the forensic examination.

11. On November 16, 2020, your affiant conducted an initial forensic review of V1’s cell phone. The penis picture and face picture reported to be sent by BUFFALO to V1 were located in the forensic extraction.

Snapchat Text Conversation

12. On or about October 18, 2020, BUFFALO initiated a Snapchat text message conversation with V1. The following is an excerpt from that conversation:

BUFFALO: You in your room

V1: Yeah

BUFFALO: Call me real quick ok

V1: Why

BUFFALO: Just asking okay

Just asking to see if you can call me

V1: But why

BUFFALO: So we can talk over the phone if you want to

V1: How old are you

BUFFALO: 20 and you

I'll do anything for you

V1: You don't even know what I look like

BUFFALO: can I see what you look like and I'll tell you what I look like

V1: (V1 sends a short video of her face)

BUFFALO: You so much sexy

(BUFFALO sends a picture of his face)

You like my pic

Love so much baby

Call you real quick ok

V1: I'm doing homework

BUFFALO: Call me later ok

You want to see my dick baby

Call me real quick ok baby

V1: No

BUFFALO: Call me later ok

V1: Ok

BUFFALO: Let me know when you get done with your school work home

V1: Ok

BUFFALO: Love so much sexy

V1: (emoji)

BUFFALO: You want to if phone sex baby

My dick is so hard

V1: Cool

BUFFALO: You want to see my dick baby

You want to see my dick baby

V1: (emoji)

BUFFALO: You like my pic

You in Salamanca

V1: No

BUFFALO: Do you want to meet in person sometime

7 newton Farm Road Salamanca New York

14779

I sent you my address

Yes you can

You can come over okay

8:00

V1: At night

BUFFALO: Yes you can

What do you want to do

Where you going to stay there

Why you saying that

V1: You realize I'm a minor right

BUFFALO: Morning yes

What do you want to do if we hang out

V1: I'm a minor fyiii

BUFFALO: if you need someone to talk to let me know

I'm always here

Ok

Cream of Thunder school work

Are you almost done with your school work

Let me know when you're done almost

V1: Ok

BUFFALO: Do you want to have sex

V1: I'm a minor

Are you coming for me

BUFFALO: Yes I will do

I'll come pick you up in the morning at 8

V1: I have school

BUFFALO: What time you want me to come pick you up

Love so much baby

Call you ok

V1: I'm busy

BUFFALO: You in your room baby

Video call me

V1: No

BUFFALO: You in your room

V1: No I'm in my kitchen

BUFFALO: I'll send you my number so you can call me

V1: I'm only 14

BUFFALO: I'll do anything for you

V1: Why

BUFFALO: Come pick you up ok

Just asking

V1: Oh

BUFFALO: Love to be with you ok baby

Call me real quick ok baby

V1: it's ok

Covert Text Conversation

13. On November 16, 2020, your affiant, posing as V1, continued the conversation V1 had been having with BUFFALO via Snapchat. Your affiant provided BUFFALO a phone number (COVERT#) with which to continue the conversation, outside of the Snapchat application. Your affiant received a text message to COVERT# from 585-933-0807 stating “My name Richard buffalo.”

14. Your affiant engaged in a text message conversation with BUFFALO, via phone number 585-933-0807. During this conversation, BUFFALO made several requests to meet V1 for the purpose of having sexual intercourse, sent a picture of his penis multiple times, and requested nude pictures of V1 to be sent to him. The below excerpts are representative samples from the text message conversation your affiant had with BUFFALO. This is not the entire conversation:

11/16/2020

BUFFALO: My name Richard buffalo

Agent: K hi

BUFFALO: Love to be with you ok baby

Agent: Im w my mom ft now

BUFFALO: I'll talk to you later okay

Agent: K

BUFFALO: Love you so much

Call me later when you get home

Agent: Kk

BUFFALO: Can I see what you look like and I'll send you what I look like

Agent: do you still have the one I sent last time

I'll try to send if I can

I still have the one you sent me (emoji)

BUFFALO: Love you so much baby

Yes you can come over to my house okay

How was your day going

You want to meet up with you

Agent: what will we do if I come over (emoji)

BUFFALO: We can watch a movie together

What do you want to do is up to you

When are you coming

You want to spend some time with me for Thanksgiving

Would you like to spend some time with me for Thanksgiving

You want to watch a movie together

Agent: im not old enough to drive, remember? Will you get me?

BUFFALO: Yes baby

Where you at I'll come and get you

Agent: (emojis)

BUFFALO: Are you in Salamanca

Agent: Olean

BUFFALO: Ok baby

Do you want to come get you on the bus

Do you want me to come get you on the bus

Or you want me to pick you up at Olean

Agent: ive nvr taken the bus and mu mom is still home

BUFFALO: Where do you want me to pick you up in Olean

When you going to come pick you up

When do you want me to pick you up

Do you want me to come pick you up later

Call me later ok

Agent: I have to wait until my mom goes to work

BUFFALO: Ok baby

Love you so much baby

Agent: (emojis)

BUFFALO: Xoxo

Miss you so much baby

What time is your mom going to work

What time does your mom go to work

Do you still want me to pick you up

Love to be with you ok

Send me a picture of you Beth

Hey babe send me a picture I'll send you one

Call me real qick ok baby

Call me if you want to meet up

Agent: (sent non-exploitive picture of V1 with parental permission)

Im on 1%

(sent non-exploitive picture of V1 with parental permission)

Im gunna take a shower rn aand go 2 bed

Im still grounded

BUFFALO: Call me real quick ok baby

You in your room baby

What time you want me to pick you up

Call me back

11/17/2020

BUFFALO: Good morning

Do you still want me to come pick you up Hangout to something

Good morning

Agent: im in school cant talk

Did u get the pix I sent?

U didnt send back

BUFFALO: Love you so much

I'm sorry

You in your room baby

Call me

You want to meet up

11/18/2020

BUFFALO: How was your night baby

How are you doing

Call me

11/19/2020

Agent: good morning

BUFFALO: How was your night

Agent: lonely

Hbu

BUFFALO: You in Salamanca

Come over to my house ok

Agent: what wud we do if I com over?

BUFFALO: Watch a movie together

Agent: what kind of movie did u have in mind

BUFFALO: Call me if you want to ok baby

Agent: I dont remember what you look like

Do u still think im sexy

BUFFALO: (BUFFALO sends picture of his face)

You like my pic

You so much sexy

Agent: (emojis)

BUFFALO: Love you so much baby

Agent: what do u like about me

I like ur lips

BUFFALO: I like everything about you you're so pretty beautiful I love to be with
you

And I do love you

Agent: tysm (emojis)

BUFFALO: Do you want to cuddle too baby

Agent: ya

BUFFALO: Ok baby

Agent: i (heart) 2 cuddle

BUFFALO: Ok baby

You want to if sex baby

Agent: YASSSSsSS (emojis)

My (emoji) and (emoji)

BUFFALO: Ok baby I love you so much baby

I'll bet you on my dick baby

Agent: is it big (emoji)

My (emoji) is little (emoji)

BUFFALO: Love you so much baby

When do you want me to come pick you up

When you want me to come pick you up

When do you want me to come pick you up

You want to meet up now

You want to meet up now or later

You want to meet up with you

You in Salamanca

You in Salamanca

Come to my house okay

Agent: Hmmm luv u to baby
Cant meet now bc im babysitting
i am thinking ab u tho (emojis)

BUFFALO: Call me
Ok

Agent: cant rn
I can text a little tho
I can ttyl mabee

BUFFALO: Love you so much baby

Agent: Aaawee (heart)
Tysm

BUFFALO: You want to if sex baby

Agent: YA YA YA !!!!!
Where tho

BUFFALO: My house okay

Agent: ya
Ive never done it befor tho
Is that ok
R we gunna be fwb?

BUFFALO: Do you want kids

Agent: sumday
Why r u gunna raw dog?

BUFFALO: Love you so much baby

Agent: do u want kids with me?

BUFFALO: Yes baby I do

Agent: r u gunna get me preggo?

BUFFALO: Yes baby I will

Agent: r u gunna be gentle with me?

Can u tell my (emoji) how u will do it (emoji)

BUFFALO: Anything for you honey

What the front or back sex

Are you still are you babysitting

I'm so horny baby

(BUFFALO sends a picture of an erect penis. This is the same picture he had sent V1 in the original Snapchat conversation).

You like my pic baby

When you want to come pick you up

Agent: hmmm look delicious will it fit in me? (emojis)

I want to try it all im (emoji) af

Im still babysitting

But now im wet

BUFFALO: Call me real quick baby

I'm so horny baby

Agent: will you put ur dick in my 14 yo pussy (emojis)

BUFFALO: Yes baby I know

Did you like my dick baby

What are some good sex together

Do you have some good sex

Agent: I want u bad

Have u had a virgin b4

BUFFALO: How horny are you

Agent: ive nvr been so wet

BUFFALO: Are you in your room

Agent: no im watching my cousins

BUFFALO: Did you get my picture

When you want to meet up

Agent: YA!! Do u have more

My favorite color is red (emojis)

BUFFALO: (BUFFALO sends picture of an erect penis. This is the same picture he had sent V1 in the original Snapchat conversation).

You like my pic baby

Agent: FUCK ITS HUGE

BUFFALO: Yes baby I know that

Do you like my

Do you like my picture

Agent: I luv it

I want it

BUFFALO: Show me a picture of you

Yes baby

How bad you want my dick

Agent: so bad

(Agent sends non-exploitive picture of V1 with permission of parent)

BUFFALO: You so much sexy baby

Are you so wet baby

Agent: YA (emojis)

BUFFALO: Ok baby

Agent: where do u want to out ur dick

BUFFALO: Call me real quick ok baby

Agent: put

BUFFALO: Do you want my dick in your pussy

Can I call you real quick

Agent: Shhhhh. I cant talk bc of the kids they will know in so horny and tell
my mom

BUFFALO: When do you want to meet up

Agent: god I cant wait to get home so I can touch my (emoji)

Will u fuck me is we meet?

BUFFALO: Yes I will do the

Of course we can have good sex

I love to have good sex with you

Do you want to do the front or back

Agent: you don't care that im only 14 my last bf thought I was too yung

BUFFALO: I do love you and I do like you

Agent: I want the front and the back (emojis)

BUFFALO: Sounds good honey

Are you so horny baby

Can you find a ride to Salamanca later

Agent: I am

I cant stand it

BUFFALO: Who's going to bring you

Would you like to come and live with me

11/25/2020

BUFFALO: Love you so much baby

Miss you so much sexy

Love you so much baby

Would you like to see a picture of my dick again

Good morning

Good morning

Agent: Good morning lover (emoji)

BUFFALO: Miss you so much baby

Agent: YASsSsSs! I wanna see!!!!

BUFFALO: You can come see me where you at

Agent: (emojis)

BUFFALO: Call me real quick baby

I'm so horny for you

Agent: I'm at my grammas house bb

BUFFALO: Love you so much baby

Are you horny baby

Agent: im so horny

And wet bb

BUFFALO: Would you like to see my dick baby again

Agent: ya

So bad

Im drippin'

BUFFALO: (BUFFALO send a picture of an erect penis. This is the same picture he has sent previously in Snapchat and this text string).

Do you like it

Agent: So big!!!!

BUFFALO: Can I see a picture of you and naked

Agent: I don't think it will fit in my 14 yo pussi (emoji)

BUFFALO: You want my dick in you baby

Agent: tell me what u want to see bb

BUFFALO: Your pussy

Agent: I want ur dick in my tiny little pussy

BUFFALO: Yes baby I know that for you ok

Agent: do u like hairy or do u want me to shave

BUFFALO: Yes honey I do love you

Would you like to come over to my house

Agent: (emojis)

BUFFALO: Can I see a picture of your pussy

Agent: do u want me to shave it??

BUFFALO: Yes baby really do love you so much

Agent: I started growing hair last year

I don't like pubes

BUFFALO: Do you want to come over to my house baby

Do you want to have sex in real life

15. On December 1, 2020, your affiant, posing as V1, continued this text message conversation with BUFFALO. BUFFALO asked whom he believed was V1 if she wanted to meet and discussed having sex with V1. On this occasion, your affiant agreed to meet with BUFFALO. BUFFALO was told to meet on Thursday, December 3, 2020, at 11:30am in Franchot Park, Olean, New York. Franchot Park is a public park, located at the intersection of Franchot Boulevard and Route 16 in Olean, New York.

16. On December 3, 2020, prior to the arrest of BUFFALO, your affiant and BUFFALO were engaged in a text message conversation regarding the specifics of where BUFFALO was to meet whom he believed was V1 in Olean, New York. BUFFALO also placed voice calls from number 585-933-0807 to your affiant's covert phone number, and spoke to HSI SA Melanie Meyers (posing as V1), in order to coordinate the meeting in Olean.

17. On December 3, 2020, just prior to the arrest of BUFFALO, your affiant and SA Meyers were talking on the phone, in a covert capacity, with BUFFALO, in order to give him directions as he was arriving to Franchot Park, Olean, New York. BUFFALO was observed by your affiant to be using the SUBJECT DEVICE as he approached SA Meyers'

location. The SUBJECT DEVICE was located in the coat pocket of BUFFALO as he was being placed under arrest. The SUBJECT DEVICE was seized from BUFFALO incident to his arrest.

18. During the covert text message conversation which occurred between November 12, 2020 and December 3, 2020, BUFFALO sent your affiant the same picture of a male erect penis on at least three occasions, including at 08:00am, December 3, 2020, the day BUFFALO was arrested. This is the same picture that BUFFALO had sent V1 on October 18, 2020. This would indicate that it is likely that this picture is saved upon the SUBJECT DEVICE which BUFFALO was using to communicate with your affiant and V1, and may still be recovered from the SUBJECT DEVICE, which is now in the possession of HSI.

19. The SUBJECT DEVICE is currently in storage at Homeland Security Investigations, 250 Delaware Avenue, Buffalo, NY 14202. In my training and experience, I know that the SUBJECT DEVICE has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the SUBJECT DEVICE first came into the possession of Homeland Security Investigations.

20. Under N.Y. Penal Law § 130.30(1), a person is guilty of rape in the second degree when “being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old.” Additionally, under N.Y. Penal Law § 130.25(2), a person is guilty of rape in the third degree when “[b]eing twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old.”

Prior Search Warrant for the SUBJECT DEVICE

21. On December 8, 2020, the Hon. H. Kenneth Schroeder, Jr. issued a search warrant authorizing law enforcement to search the SUBJECT DEVICE for information relating to violations of 18 U.S.C. §§ 2422(b) and 1470. *See* 20-M-191-HKS. A copy of this prior search warrant is attached to this affidavit as Exhibit 1 and incorporated by reference herein. The prior search warrant authorized law enforcement to search for and seize from the SUBJECT DEVICE, among other things, “[a]ll information relating to violations of 18 U.S.C. §§ 2422(b) and 1470, including” “[a]ll communications from October 18, 2020 through December 3, 2020,” “[r]ecords of incoming and outgoing telephone calls from October 18, 2020 through December 3, 2020,” and “[a]ll images, including sexually explicit images and obscene images, transmitted by BUFFALO to V1 and SA Donoghue, as described in the supporting affidavit of SA Donoghue.” As noted above, BUFFALO began communicating with V1 on October 18, 2020, and the covert communications between BUFFALO and your affiant continued until December 3, 2020.

22. While executing the prior search warrant and searching for the text message conversation between your affiant and BUFFALO, your affiant discovered a text message conversation involving who appears to be another minor female. This conversation occurred in or about September of 2020, and appears to be between BUFFALO and a 15 year old minor female named Sxxxxxxxxx (henceforth referred to as V2). (Because V2 informed BUFFALO that she is 15 years old, I have replaced all but the first and last characters of her name with “X’s.”)

23. In the conversation between BUFFALO and V2, BUFFALO sends a message stating “you so sexy.” BUFFALO also asks if V2 lives in Salamanca, and he expresses a desire to meet with V2. V2 states that she lives about 45 minutes away from Salamanca. V2 also informs BUFFALO that she is 15 years old. BUFFALO sent several messages to V2 asking to meet, and to speak with her, after she had already notified him that she is 15 years old.

24. Upon seeing the messages between BUFFALO and V2, your affiant discontinued the search of the SUBJECT DEVICE and applied for this additional search warrant. The proposed additional search warrant differs from the prior search warrant in that it expands the communications, records of incoming and outgoing telephone calls, and images that may be searched for and seized from the SUBJECT DEVICE. Specifically, the prior search warrant authorized law enforcement to search for and seize, among other things, “[a]ll information relating to violations of 18 U.S.C. §§ 2422(b) and 1470, including” “[a]ll communications *from October 18, 2020 through December 3, 2020,*” “[r]ecords of incoming and outgoing telephone calls *from October 18, 2020 through December 3, 2020,*” and “[a]ll images, including sexually explicit images and obscene images, *transmitted by BUFFALO to V1 and SA Donoghue, as described in the supporting affidavit of SA Donoghue.*” (emphasis added). The proposed additional search warrant authorizes law enforcement to search for and seize, among other things, “[a]ll information relating to violations of 18 U.S.C. §§ 2422(b) and 1470, including” “[a]ll communications,” “[a]ll records of incoming and outgoing telephone calls,” and “[a]ll images, including sexually explicit and obscene images.”

Conclusion

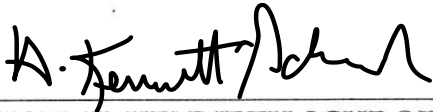
25. Based upon the text message conversation between BUFFALO and V2, and the conversations which led to the arrest of BUFFALO and the initial search warrant for the SUBJECT DEVICE, I respectfully submit that there is probable cause to believe that additional evidence of violations of 18 U.S.C. §§ 2422(b) and 1470 will be located on the SUBJECT DEVICE, which is capable of concealing and storing evidence in the commission of said crimes.

26. Based upon the foregoing, the undersigned respectfully submits that there is probable cause to believe that contraband, property, evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 2422(b) (enticement of a minor) and 1470 (transfer of obscene material to minors), as specifically described in Attachment B to this affidavit, are presently located within the SUBJECT DEVICE as more specifically described in Attachment A of this affidavit. The undersigned therefore respectfully requests that the attached warrant be issued authorizing a search of the SUBJECT DEVICE described in Attachment A.



James J. Donoghue
Special Agent
Homeland Security Investigations
Buffalo, New York

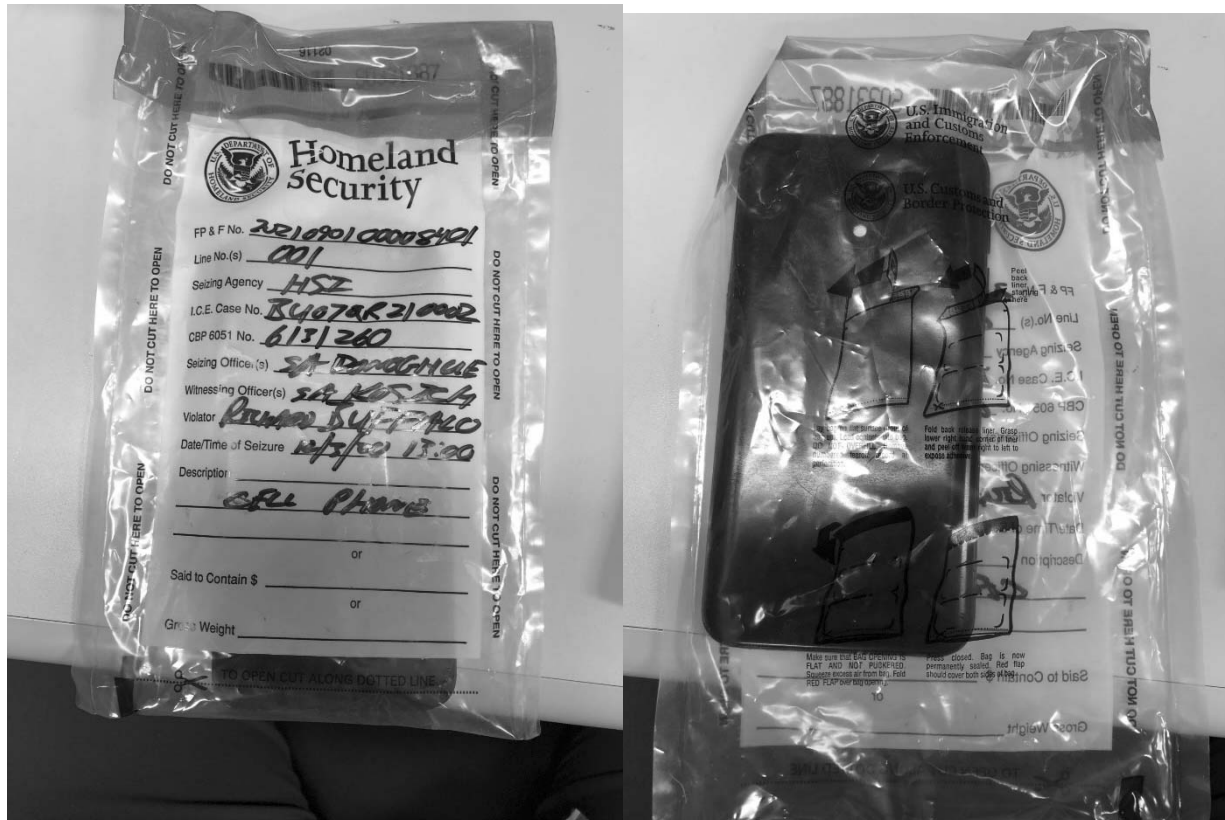
Sworn to telephonically
this 23rd day of December, 2020



HON. H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A**PROPERTY TO BE SEARCHED**

A Samsung Cellular Phone (SN# RF8MA2W4D0E), model SM-S260DL, with assigned phone number (585) 933-0807, which is currently sealed in an HSI evidence bag dated 12/3/2020 (the "SUBJECT DEVICE"). The SUBJECT DEVICE is currently located at Homeland Security Investigations, 250 Delaware Avenue, Buffalo, New York 14202. The SUBJECT DEVICE is depicted below.



ATTACHMENT B

INFORMATION TO BE SEARCHED FOR AND SEIZED

All information relating to violations of 18 U.S.C. §§ 2422(b) and 1470, including:

1. All communications;
2. All records of incoming and outgoing telephone calls;
3. All images, including sexually explicit and obscene images;
4. Evidence of user attribution showing who used or owned the SUBJECT DEVICE at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history; and
5. All access numbers, passwords, personal identification numbers, user names, screen names or internet accounts used, or possibly used, in connection with the enticement of minors.

EXHIBIT 1

(Prior Search Warrant for the SUBJECT DEVICE)

United States District Court
for the
Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

A Samsung Cellular Phone (SN# RF8MA2W4D0E), model SM-S260DL,
with assigned phone number (585) 933-0807, currently located at
Homeland Security Investigations, 250 Delaware Avenue, Buffalo, NY 14202

Case No. 20-M-191

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of New York *(identify the person or describe the property to be searched and give its location):*

See Attachment A, which is attached hereto and incorporated by reference herein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

See Attachment B, which is attached hereto and incorporated by reference herein.

All of which are evidence, fruits, and instrumentalities of a violation of Title 18, United States Code, Sections 1470 and 2422(b), and all of which are more particularly described in the application for this warrant which is incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before December 22, 2020

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

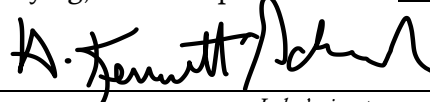
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Hon. H. Kenneth Schroeder, Jr.

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for ____ days *(not to exceed 30)*. ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: December 8, 2020 3:33 p.m.



Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.: 20-M-191

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of:

Inventory of the property taken and name of any person(s) seized:

Certification

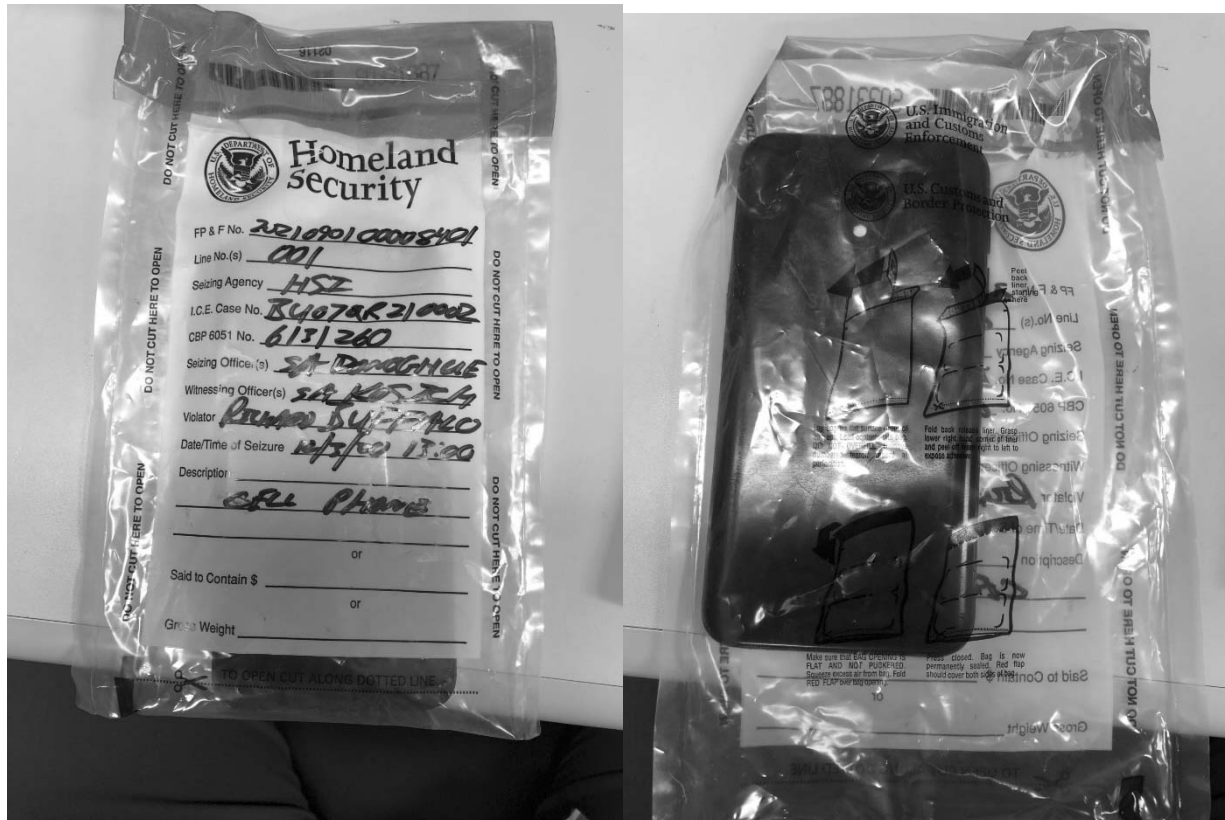
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

ATTACHMENT A**PROPERTY TO BE SEARCHED**

A Samsung Cellular Phone (SN# RF8MA2W4D0E), model SM-S260DL, with assigned phone number (585) 933-0807, which is currently sealed in an HSI evidence bag dated 12/3/2020 (the "SUBJECT DEVICE"). The SUBJECT DEVICE is currently located at Homeland Security Investigations, 250 Delaware Avenue, Buffalo, New York 14202. The SUBJECT DEVICE is depicted below.



NOTHING MORE AFTER THIS LINE
HKS 12/8/2020

ATTACHMENT B

INFORMATION TO BE SEARCHED FOR AND SEIZED

All information relating to violations of 18 U.S.C. §§ 2422(b) and 1470, including:

1. All communications from October 18, 2020 through December 3, 2020;
2. Records of incoming and outgoing telephone calls from October 18, 2020 through December 3, 2020;
3. All images, including sexually explicit and obscene images, transmitted by BUFFALO to V1 and SA Donoghue, as described in the supporting affidavit of SA Donoghue;
4. Evidence of user attribution showing who used or owned the SUBJECT DEVICE at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history; and
5. All access numbers, passwords, personal identification numbers, user names, screen names or internet accounts used, or possibly used, in connection with the enticement of minors.

NOTHING MORE AFTER THIS LINE
HKS 12/8/2020